

Prob 12B

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

**PETITION TO MODIFY THE CONDITIONS OR TERM OF SUPERVISION
WITH CONSENT OF THE OFFENDER**

(Probation Form 49, Waiver of Hearing, is on file)

Offender Name: James Lee MERRILL

Docket Number: 2:00CR00597-01

Offender Address: Glen Ellen, California

Judicial Officer: Honorable William B. Shubb
United States District Judge
Sacramento, California

Original Sentence Date: 09/05/2001

Original Offense: 18 USC 844(i) - Arson (CLASS C FELONY)

Original Sentence: 51 months custody Bureau of Prisons; 3 years Supervised Release; \$100 special assessment; Mandatory drug testing.

Special Conditions: Warrantless search; Financial restrictions and disclosure; Substance abuse testing, treatment, and co-payment; Arson registration; Not associate with any violent hate groups, organizations, or display materials associated with hate groups.

Type of Supervision: Supervised Release

Supervision Commenced: 08/08/2005

Assistant U.S. Attorney: R. Steven Lapham **Telephone:** 916-554-2700

Defense Attorney: Dennis Waks **Telephone:** 916-498-5700
Assistant Federal Defender

Other Court Action: None.

RE: James Lee MERRILL
Docket Number: 2:00CR00597-01
PETITION TO MODIFY THE CONDITIONS OR TERM
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PETITIONING THE COURT

To modify the conditions of supervision as follows:

1. As directed by the probation officer, the defendant shall participate in a program of mental health treatment (inpatient or outpatient).
2. As directed by the probation officer, the defendant shall participate in a co-payment plan for treatment or testing and shall make payment directly to the vendor under contract with the United States Probation Office of up to \$50 per month.

Justification: The releasee recently relocated to the Northern District of California, and secured a residence and employment. As a condition of accepting supervision of this case, the Northern District of California Probation Office is requesting the releasee participate in mental health counseling to address behavioral issues, and seek assistance in accepting and living with his crime of conviction. This officer agrees the releasee would benefit from such counseling, and the releasee has agreed to participate in counseling. An increase in the co-payment option was requested by the Northern District of California, and appears appropriate given the releasee's income. The Prob Form 49 - Waiver of Hearing to Modify Conditions, has been executed by the releasee and is on file.

RE: James Lee MERRILL
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Respectfully submitted,

/s/ Dayna D. Ward

DAYNA D. WARD
Senior United States Probation Officer
Telephone: 916-786-2989


DATED: May 9, 2007
Roseville, California
ddw:cd

REVIEWED BY: /s/ Richard A. Ertola
RICHARD A. ERTOLA
Supervising United States Probation Officer

THE COURT ORDERS:

(X) Modification approved as recommended.

Date: May 10, 2007



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

RE: James Lee MERRILL
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cc: United States Probation
R. Steven Lapham, Assistant United States Attorney
Dennis Waks, Assistant Federal Defender
Defendant
Court File